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TO: Commissioner for PatentsFAX NO.: 571-273-8300FROM: Keith Taboada, Esq.DATE: February 8, 2006MATTER: Serial No. 1-885,870 Filed: February 5, 2004DOCKET NO.: 8306/DSM/BCVD/JWAPPLICANT: Kaszuba, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

☐ Petition
☐ Disclosure Statement & PTO-1449
☐ Priority Document
☐ Drawings (sheets) informal
☐ Amendment
☒ Response to Restriction Requirement (2 pages)

☐ Transmittal Letter (2 copies)
☐ Fee Transmittal (2 copies)
☐ Deposit Account Transaction
☒ Facsimile Transmission Certificate
dated February 8, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 8, 2006, Facsimile No. (571) 273-8300.

Allyson M. DeVesty
Name of person signing this certificate

Allyson M. DeVesty
Signature

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RESPONSE TO RESTRICTION REQUIREMENT

Serial No. 10/775,769

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants: Kaszuba, et al.

Case: 8306/DSM/BCVD/JW

Serial No.: 10/775,769

Filed: February 5, 2004

Examiner: Dhingra, Rakesh Kumar

Group Art Unit: 1763

Confirmation No: 9333

Title: **APPARATUS FOR REDUCING ENTRAPMENT OF FOREIGN MATTER
ALONG A MOVEABLE SHAFT OF A SUBSTRATE SUPPORT**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile under 37 C.F.R. §1.8 on February 8, 2006 and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No: (571) 273-9300.

2-8-06
DateAllison M. DeVesty
Signature

S I R:

RESPONSE TO RESTRICTION REQUIREMENT DATED JANUARY 9, 2006

In response to the Office Action dated January 9, 2006, which imposed a restriction requirement in the above-captioned patent application, the Applicants elect to prosecute the invention of species 1 of Figures 1-3 with traverse. The Applicants identify claim 1 and 21 as generic to species 1 and at least one of species 2-8. Claims 2-7 are readable on species 1. Thus, claims 1-7 and 21 are elected. Claims 8-20 are provisionally withdrawn without prejudice. The Applicants reserve the right to file divisional/continuation applications to prosecute the non-elected subject matter.

The Applicants respectfully submit that the restriction does not conform with MPEP §803 which outlines the criteria for making a proper restriction. Specifically, a restriction is proper when an application contains inventions that are independent or distinct as claimed, and that there must be a serious burden on the Examiner if restriction is required. The Examiner is required to provide reasons and/or examples to support his conclusion. The Examiner may provide a prima facie evidence of a serious

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RESPONSE TO RESTRICTION REQUIREMENT
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burden by showing an appropriate explanation either of separate classification, separate status in the art, or a different field of search.


The Applicants respectfully submit that the Examiner has not demonstrated a serious burden in requiring a restriction in the present application. The Examiner has merely identified different species. However, the species of Figure 6A further define limitations already present in the elected species of Figures 1-3. As a field of search targeting a processing chamber having an aperture through which a shaft of a substrate supports extends, and a guard ring positioned in a step of the aperture of the species of Figures 1-3 would encompass the limitations recited the non-elected species of Figure 6A, little, if any, burden is placed upon the Examiner to consider more than solely the species of Figures 1-3 during his search. Since the species of Figures 1-3 and 6A of the present application are a reasonable number of species and no serious burden is placed on the Examiner, consideration of all claimed embodiments is proper under 37 C.F.R. §1.141 and §1.146.

The species of Figure 6A is generic to claims 1 and 21. Dependent claims 8-16 are readable upon species of Figure 6A. Thus, the Applicants respectfully request claims 1-16 and 21 be considered by the Examiner. Claims 17-20 are withdrawn without prejudice. The Applicants reserve the right to file divisional/continuation applications to prosecute the non-elected subject matter.

Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Feb 8, 2006


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